UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,360	06/09/2006	Akihiko Sugiyama	040447-0283	1660

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/582,360	SUGIYAMA ET AL.
	Examiner	**Art Unit**	
	GREG BORSETTI	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>04 May 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). <u>IDS filed 3/24/2011</u>

13. ☐ Other: _____.

/Richemond Dorvil/
 Supervisory Patent Examiner, Art Unit 2626

/GREG BORSETTI/
 Acting Examiner of Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because:

1.   Applicant argues "Papineni discloses that the human inputs "I want to buy one hundred shares" which is a sentence classified as a declaration. The computer further gathers information related to the fund (fund mane from context) and restates it as a declaration back to the person and, in addition, adds a confirmation (an additional category) which is related to the type of sentence (declaration)." However, Papineni teaches that the computer responds "confirming purchase of one hundred shares of vanguard index trust total stock market institutional shares. Please say yes or no (fund name from context)" to "I want to buy one hundred shares" of the human statement (see column 15, lines 25 to 29). That is, Papineni doesn't disclose that the additional information is added to the input information "I want to buy one hundred shares." In contrast, in the claimed method, for example, the additional information "Do you hear it?" is added to "I want to buy one hundred shares" and the inputted text to which the information is added is "I want to buy one hundred shares. Do you hear it?" However, this implementation is not disclosed by Papineni." (Remarks, Page 3, 2) The Examiner disagrees. First, Applicant argues that Papineni does not teach that the additional information is added to the input information, this is not what the claim requires. The claim requires whether additional information is added to the input text. The input text, therefore, needs to be present in the final output but may be modified with the additional information. Papineni, column 15, lines 43-63 further gives an example that has an input of "I want to transfer from fidelity magellan fund". In this example, "transfer from fidelity magellan fund" is a sentence that is outputted with additional information in "confirming transfer of five thousand dollars from fidelity magellan to vanguard index fund" which has the additional information of the amount and the receiving fund. Papineni's system is capable of receiving information as brief statements and commands (column 15, line 46). Every word in the above sentence is included in the output and the additional information is used to clarify and confirm that the system has received and processed the users' information correctly. In the previously used example (column 15, lines 27-31) the input sentence is "I want to buy one hundred shares" and the response is "confirming purchase of one hundred shares". This was cited to show that the input text is used in the response with additional information. Additionally see column 8, lines 19-37 where the input is broken down to a semantic representation. As long as the semantic representation can be satisfied with the input, the system will be able to respond with a suitable response. The semantic representation in the above cited section could resolve the input "Buy Fidelity Magellan", which is also a sentence. Column 9, lines 19-35 further teaches that the appropriate response would be "How much of Fidelity Magellan do you want to buy?" which has all the words in the input as well as additional information to clarify the meaning of the input. Therefore, the arguments are not considered to be persuasive.

2.   Applicant further argues "M.P.E.P. § 2131 states that "[t]he identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. See In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Papineni fails to disclose each and every limitation in as complete detail as is contained in independent claims 60, 67, 73 and 74." (Remarks, Page 3, 3) The Examiner disagrees for the reasons set forth above in item 1.

3.   Applicant further argues "Gabai is directed toward a method for use in an interactive toy. Gabai discloses a toy that can read inputted text, translate it and explain the cultural significance of the text. See Col. 43, lines 20-34. However, Gabai fails to disclose "adding the additional information to the inputted text" and "outputting the inputted text to which the information is added" as required, for example, by independent claim 60. Gabai discloses that the toy outputs a translation of the inputted text with "other types of content." A text translation (translation of the inputted text) is not the same as the inputted text. Accordingly, Gabai fails to disclose, teach or suggest that the additional information is added to the inputted text as required by the independent claims. Instead, Gabai discloses using other types of content in conjunction with a generated translation. Further, Papineni and Uwakubo fail to cure the deficiencies of Gabai." (Remarks, Page 4, 3) The Examiner disagrees. The previously cited section (Gabai, column 43, lines 43-50) of Gabai includes the text translation of a menu (see Fig. 58A) where the input is a menu and the toy can repeat sections of the menu before providing more information that is output to the user. Therefore the argument is not considered to be persuasive.

4.   Applicant further argues "Claims 76 and 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Papineni in view of U.S. Patent No. 6,385,584 ("McAllister"). As set forth above, Papineni fails to disclose, teach or suggest each and every limitation of independent claims 76 and 77. Further, McAllister fails to cure the deficiencies of Papineni. For example, McAllister discloses that "[a] processor responds to both the input signal for selecting one of the groups of content equivalent messages and to a pseudorandom number for selecting one of the voice messages within the selected group" and "[a] speech output device provides an audio signal corresponding to the selected voice message stored in the memory" (see page 2, lines 47 to 52). That is, McAllister discloses a pseudorandom number for selecting one of the voice messages and that an audio signal corresponding to the selected voice message is outputted. However, McAllister doesn't disclose that the additional information is added to the inputted text as required by independent claims 76 and 77. Accordingly, applicants request that the rejection be withdrawn." (Remarks, Pages 4-5) The Examiner disagrees. McAlister was not contended to teach that the additional information is added as text, Papineni was used to teach that aspect of the claim. Furthermore, the combination was used to teach the entirety of the claimed limitations. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5.   Applicant further argues "When determining whether a claim is obvious, an examiner must make "a searching comparison of the claimed invention - including all its limitations - with the teaching of the prior art."In re Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citingIn re Royka, 490 F.2d 981,985 (CCPA 1974)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in independent claims 60, 67, 73, 74, 75, 76 and 77." (Remarks, Page 5, 2) The Examiner disagrees for the reasons set forth above in item 4..